

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**T JASON NOYE,
individually and on behalf
of all others similarly situated,
Plaintiffs**

v.

**JOHNSON & JOHNSON and
KELLY SERVICES, INC.,
Defendants**

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No. 1:15-cv-2382

(Judge Kane)

ORDER

AND NOW, on this 6th day of November 2017, **IT IS ORDERED THAT** Defendant Kelly Services Inc.'s renewed motion to compel arbitration and stay pending action (Doc. No. 72), is **GRANTED**, insofar as Plaintiff's claims against Defendant Kelly Services, Inc. are stayed pending the outcome of arbitration of those claims. The parties are directed to file a joint status report informing the Court as to the result of the arbitration proceeding within thirty (30) days of its conclusion.

IT IS FURTHER ORDERED THAT with regard to Defendant Johnson & Johnson Services, Inc.'s renewed motion to compel arbitration and dismiss or, in the alternative, stay all proceedings (Doc. No. 74), the parties are directed to file additional briefing, specifically addressing the issue of the applicability of the theory of equitable estoppel to the motion in light of the Third Circuit's recently-issued precedential opinion in White v. Sunoco, 870 F.3d 257 (3d Cir. 2017), as follows:

1. Defendant Johnson & Johnson Services, Inc. shall file its brief by November 20, 2017;
2. Plaintiff T. Jason Noye shall file a responsive brief by December 4, 2017; and

3. Defendant Johnson & Johnson Services, Inc. may file a reply brief, if any, by December 11, 2017.

s/ Yvette Kane

Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania